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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,357	07/07/2003	Michael D. Derocher	10008416-4	1359

7590 07/12/2005
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

LIANG, REGINA

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/616,357

Applicant(s)

DEROCHER, MICHAEL D.

Examiner

Regina Liang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 1-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/7/03, 9/22/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's election without traverse of Group II, claims 32-39 in the reply filed on 6/17/05 is acknowledged.

Claim Rejections - 35 USC § 112

2. Claims 39 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 39, "means for illuminating said graphical pointing device is translucent" is confusing since it is not understood how can a light emitting layer or a light source be translucent.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 32-34, 36-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Griencewic (WO 99/26128).

As to claim 32, Griencewic discloses in a computing device (Fig.1b), a method of operating a touch pad (Fig. 2), comprising reading a selection from an input device, illuminating a light-emitting layer of the touch pad, thereby indicating that the touch pad is accepting commands in the form of movements of one of a use's finger or thumb near a surface of the touch pad (turning on the power switch, the touch pad is illuminated by the EL layer 40, see page

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6, lines 5-9, page 7, lines 4-9 for example); and the touch pad controlling the position of a cursor on a computer display in response to the movement of the one of the user's finger and thumb (page 4, lines 29-32).

As to claim 33, Griencewic teaches the computing device launching a software application, and the launching is performed after the controlling the position of a cursor (e.g., page 4, lines 1-6).

As to claim 34, Figs. 1a, 1b of Griencewic teaches the computing device controlling a view of the display within a larger display area, the controlling is in response to the movements of the one of the user's finger and thumb (see page 4, lines 29-31).

As to claim 36, Griencewic teaches the computer has a Microsoft Windows program running thereon (inherently having an icon within a window of the display) that provides for movement of a cursor on the display device in response to the user operating the pointing device (page 4, lines 1-4, page 5, lines 1-4, this corresponds to the computing device controlling the positioning of an icon on the display, the controlling is in response to the movements of the user's finger).

As to claim 37, Griencewic teaches a graphical pointing device (touch pad) used to position an icon on a display, comprising means for determining the position of a user's finger near a top side of the touch pad (page, 4, lines 30-32), at least a portion of the means for determining the position is predominantly translucent (page 5, lines 19-32), and means for illuminating the touch pad, the means for illuminating is near a bottom side of the touch pad (see Figs. 3 and 4).

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As to claim 38, Griencewic teaches at least a portion of the means for determining the position is transparent (page 6, lines 1-4).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Griencewin in view of Stephan et al (US. PAAT. NO. 5,748,185 hereinafter Stephan).

As to claim 35, Griencewic does not disclose the computing device controlling zooming of the display. However, Stephan teaches a touch pad controlling zooming of the display device, wherein the zooming control is in response to the movements of user's finger near a top side of the touch pad (Fig. 8, col. 11, lines 17-19). Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the computing device of Griencewic to have the feature of controlling the zooming of the display as taught by Stephan so as to provide a touch pad designed to improve a user's ability to interact with a GUI on a computer and allow a user easily move between each of the regions on the touch pad in order to implement the selected function or command within the GUI.

7. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Griencewin in view of Lai et al (US. PAT. NO. 6,621,473 hereinafter Lai)..

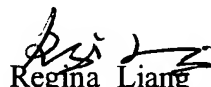
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As to claim 39, Griencewic does not disclose the pointing device comprising a second illuminating means which generate light of a different color than the first illuminating means. However, Lai teaches a touch screen device comprising a first illuminating means (light layer 13 in Fig. 1) for illuminating the touch pad, a second illuminating means (back light layer 15) which generates light of a different color than light generated by the first illuminating means (col. 3, lines 1-5, 13-14 of Lai). Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the pointing device of Griencewic to have a second illuminating means for generating light of a different color than the light generated by the first illuminating means as taught by Lai so as to provide brilliant icons for touch control.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Regina Liang whose telephone number is (571) 272-7693. The examiner can normally be reached on Monday-Friday from 8AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard, can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Regina Liang
Primary Examiner
Art Unit 2674

7/8/05